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FILED

FEB 2 2 2010

Ed Smith clerk of the Buphline Louise State of Montana

Rule 7 Mediator

Tracy Axelberg

P.O. Box 7370

## IN THE SUPREME COURT OF THE STATE OF MONTANA Supreme Court Cause No. DA-09-0578

HERMAN GONZALES; FAWN LYONS; KEN LAUDATO; LAWRENCE WALKER; GARY MANSIKKA; GARY GALETTI; GREG WHITING; MARVIN KRONE; RICHARD BLACK; JIM KELLY; CHRIS SOUSLEY; and all others similarly situated,

CHRISTENSEN, MOORE, COCKRELL,

CUMMINGS & AXELBERG, P.C.

Kalispell, MT 59904-0370

Telephone: (406) 751-6000

Facsimile: (406) 756-6522

Plaintiffs/Appellees,

VS.

MONTANA POWER COMPANY; NORTHWESTERN CORPORATION, a Delaware Corporation, as a reorganized debtor, subsequent to its plan confirmation, hereinafter referred to as NOR; NORTHWESTERN CORPORATION d/b/a NORTHWESTERN ENERGY; PUTMAN AND ASSOCIATES, INC., a Montana Corporation; and JOHN DOES IV–XX,

Defendants/Appellants.

Montana Second Judicial District
Court
Silver Bow County
Cause No. DV-98-253

## RULE 7 MEDIATOR'S FOURTH STATUS REPORT TO THE COURT



FEB 2 2 2010

Ed Smith CLERK OF THE DUPPEMEN OURS STATE CONDUITING

Drafts of settlement documents continue to circulate among counsel for NOR, Putman and the Plaintiffs. What was once a lengthy list of complex "sticking points" has, since the filing of the last status report, been reduced to a handful. It is anticipated that, schedules allowing, counsel for these parties will be able to finalize the settlement documents within the next 7-10 days.

The undersigned will provide the Court with what will hopefully be a final status report by Friday, March 5, 2010.

RESPECTFULLY SUBMITTED this 19th day of February, 2010.

Tracy Axelberg Rule 7 Mediator

## CERTIFICATE OF SERVICE

I. Caroline L. Miller, one of the staff of the law firm of CHRISTENSEN,

1 2 3 MOORE, COCKRELL, CUMMINGS & AXELBERG, P.C., do hereby certify that I served the foregoing document by mailing a copy thereof, first-class, postage 4 prepaid to: 5 10 11 12 13

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Lon J. Dale, Esq. MILODRAGOVICH, DALE, STEINBRENNER & NYGREN, PC 620 High Park Way P. O. Box 4947 Missoula, MT 59806-4947

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This Status Report was filed with the Court via facsimile to 406-444-5705 on February 19, 2010, and the original was mailed via first-class mail on the same date.

February 19, 2010

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